



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Lawrence H. Suid

**File:** B-255546

**Date:** March 9, 1994

Lawrence H. Suid, protester.  
James Y. Miyazawa, Esq., Naval Regional Contracting Center,  
for the agency.  
Karin K. Fangman, Esq., and Elizabeth S. Woodruff, Esq.,  
Office of the General Counsel, GAO, participated in the  
preparation of the decision.

### DIGEST

Protest that agency improperly determined proposal to be technically unacceptable is denied where record shows that the agency evaluators reasonably concluded that the protester failed to demonstrate that he could acceptably perform the requirement.

### DECISION

Lawrence H. Suid protests the award of a contract to Dr. Susan Godson, under request for proposals (RFP) N00600-93-R-0100, issued by the Naval Regional Contracting Center (Navy) for a study of the history of women in the Navy. Suid complains that the Navy did not give his proposal fair consideration.

We deny the protest.

The RFP was issued on March 5, 1993, for a publishable historical manuscript that examines the history of women in the United States Navy from the 18th century to the present. The RFP stated that award of a firm fixed-price contract would be made to the lowest priced, technically acceptable, responsible offeror. Offerors were also informed that the Navy intended to evaluate proposals and award the contract without conducting discussions with offerors (other than discussions for the purpose of minor clarifications). Offerors were therefore advised to submit in their initial offer their best terms from both a price and technical standpoint.

Section M13 of the RFP stated that for a proposal to be technically acceptable, the technical proposal must at a minimum meet the following evaluation criteria: (1) ACADEMIC QUALIFICATIONS - A Ph.D. in History or closely related field; (2) DEMONSTRATED COMPETENCE IN WOMEN'S HISTORY OR

AMERICAN SOCIAL HISTORY; (3) DEMONSTRATION OF SUBSTANTIAL KNOWLEDGE OF THE US NAVY AND ITS HISTORY - Course work at a college/university level, teaching the subject at a college/university level or having publications on the subject in highly regarded scholarly journals; (4) PUBLISHED SCHOLARLY BOOKS AND ARTICLES; and (5) DEMONSTRATION OF THE OFFEROR'S UNDERSTANDING OF AND APPROACH TO THE REQUIREMENT - A clear, sound, and concise understanding of and approach to the requirement for the manuscript.

Section M13 also stated that for a proposal to be technically acceptable, it must provide the information specified in Section L of the RFP. Section L advised offerors that they were required to provide documentation as evidence of their doctoral degree, written narratives that clearly demonstrated meeting the second, third, and fourth criteria, and a summary of the offeror's understanding of and approach to the manuscript requirement. Section L 50(D) specifically cautioned offerors that statements which paraphrased specifications or attested that standard procedures would be followed are inadequate to demonstrate whether the offeror could perform the contract requirements.

By April 2, 1993, seven offerors submitted proposals, including the protester. The technical evaluation was performed by the Naval Historical Center. The technical evaluation panel was instructed to use the following rating system consisting of four graded categories to be used for each evaluation criteria, as well as for the overall technical rating for each proposal:

"A" - Acceptable as is (conforms completely with the solicitation requirements),

"B" - Unacceptable as submitted but can reasonably be expected to be made acceptable by the offeror,

"C" - Unacceptable as submitted but can reasonably be made acceptable by clarification or modification of the specified requirement by the Government,

"D" - Unacceptable as submitted and not susceptible to being made acceptable.

Among the seven proposals received, the awardee's was the only one given an overall technical rating of "A" by the evaluation panel. Godson's proposal received "A's" in each of the five evaluation criteria. Two proposals were rated "B", and three proposals, including the protester's, were rated "D". Suid's overall rating of "D" was the result of a "D" rating for two of the five evaluation criteria. He received a "D" under the third criteria because he failed to demonstrate substantial knowledge of the US Navy and its history and a "D" under the fifth criteria because he failed to adequately demonstrate an understanding of and approach to the requirement. Suid received a "B" rating for the

academic criteria because he failed to provide supporting documentation for his doctoral degree. He received two "A" ratings for his competence in American social history and his published scholarly works.

On September 30, 1993, the Navy awarded the contract to Godson. On October 4, 1993, the Navy informed Suid that award had been made to Godson on initial offers as the lowest priced, technically acceptable, responsible offeror. The letter stated that Suid's proposal contained some deficiencies which rendered it ineligible for consideration for award. The Navy provided Suid a debriefing in response to his October 8, 1993 written request for information on the award decision.<sup>1</sup> At the October 21, 1993 debriefing, the Navy discussed with Suid the deficiencies the technical panel identified in his proposal. Suid filed this protest with GAO on October 22, 1993. Since the protest was not filed within ten days of award, the Navy has not suspended contract performance.<sup>2</sup>

Suid asserts that his proposal was not fairly evaluated by the Navy and questions the propriety of the award to Dr. Godson. Specifically, Suid rejects the Navy's conclusion that he failed to demonstrate substantive knowledge of Navy history. He also rejects the Navy's determination that he failed to adequately demonstrate an understanding of and approach to the requirement. Suid also claims that his failure to provide supporting documentation

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<sup>1</sup>The protester's primary interest was in obtaining a copy of the awardee's proposal. Suid asserts that he is entitled to review this document. The Navy provided Suid information pertaining to this procurement including notification of the award, the basis for the award decision, and information on the evaluation of his proposal. The Navy properly did not disclose to Suid sensitive procurement information such as the awardee's technical proposal. See Federal Acquisition Regulation (FAR) section 15.1003(b).

<sup>2</sup>Suid complains that he was not informed of his protest rights or any protest procedures by the Navy, and that the timing of the Navy's award notification prevented him from filing a protest within the time required to trigger suspension of contract performance. We note that offerors were informed of protest procedures in section L26 of the RFP. According to Suid's own statements, the Navy's notification gave him at least four days in which to file a protest that would trigger suspension. As such, we do not agree that the Navy interfered with Suid's ability to protest and trigger contract suspension.

for his Ph.D. is a minor irregularity which he should have been allowed to correct.'

In reviewing protests concerning the propriety of an agency's evaluation of proposals, it is not the function of our Office to independently evaluate those proposals and to substitute our judgment for that of the agency. We will examine the record to determine whether the agency's judgment was reasonable and consistent with stated evaluation criteria and applicable statutes and regulations. Diversified Technical Consultants, Ltd., B-250986, Feb. 22, 1993, 93-1 CPD § 161.

In support of his knowledge of Navy history, Suid's proposal relies on his essays and a book currently in progress which is based on his essays and will address the Navy's relationship with the film industry. Suid's proposal does not articulate how these writings, which deal with the Navy exclusively in the context of the film industry, demonstrate his substantial knowledge of Navy history. Suid's knowledge here would appear to be limited to those aspects of Navy history which the film industry has explored. As a result, the Navy evaluators considered these writings as only demonstrative of a superficial knowledge of Navy history and not the substantial knowledge required by the RFP. The Navy evaluators also considered Suid's experience in teaching general military history for the Marine Corps, but the proposal again failed to explain the details of his teaching experience and the Navy properly concluded that this teaching experience did not demonstrate substantial knowledge of Navy history.

Suid's narrative addressing his understanding of and approach to the requirement begins with a statement that the RFP has provided a clear description of the book the Navy expects to get, and that the sample outline provides a good preliminary framework for his research. Suid then briefly describes how he would divide one of the suggested chapters into two, one addressing women in today's Navy and a second addressing modern concerns such as sexual harassment and

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'Alternatively, Suid argues that the Navy's requirement for documentation in support of an academic degree is invalid and asserts that reference to a degree in an individual's resume is sufficient. This objection concerns an alleged deficiency apparent on the face of the RFP, and thus, should have been raised prior to the time set for receipt of initial proposals. See 4 C.F.R. § 21.2(a)(1) (1993). Suid also criticizes the Navy for failing to include the evaluation of oral interviewing skills in the RFP. We find this objection similarly untimely.

combat roles for women. Suid also explains where he would go to do research, primarily relying on the suggestions made in the RFP. The remainder of Suid's discussion addresses his intention to use oral histories, as required by the RFP, and his expertise in conducting them. Despite the warnings in section I of the RFP that offerors were to affirmatively demonstrate their competence and not merely restate RFP requirements, Suid's narrative provides little detail upon which to determine that he understood the requirement and had an acceptable approach to performing the requirement.

We cannot question the reasonableness of the Navy's determination that Suid's proposal was deficient in the two areas described above. It is an offeror's responsibility to prepare an adequately written proposal demonstrating the merits of the proposal. An offeror runs the risk of being rejected if it does not submit an adequately written proposal. Engineering Management Resources, Inc., B-248866, Sept. 29, 1992, 92-2 CPD § 217.

Suid argues that the lack of supporting documentation for his doctoral degree was a minor irregularity that could have been corrected. The Navy's evaluation of Suid indicates that obtaining documentation from Suid in support of his degree was deemed unnecessary because other significant deficiencies required rating his proposal as unacceptable overall. Since Suid's proposal was properly determined unacceptable because of deficiencies in two other areas, we need not address the question of whether the Navy acted properly in not providing Suid the opportunity to correct the deficiency in this area. Environmental Technologies Group, Inc., 69 Comp. Gen. 193 (1990), 90-1 CPD § 101, and Hughes Technical Services Company, B-245546.3, Feb. 12, 1992, 92-1 CPD § 179.

Suid also protests the acceptability of the awardee's (Godson) proposal. Because Suid did not have the opportunity to review Godson's proposal (see footnote 1), he asks us to investigate whether the Navy properly rated that proposal as acceptable.<sup>4</sup>

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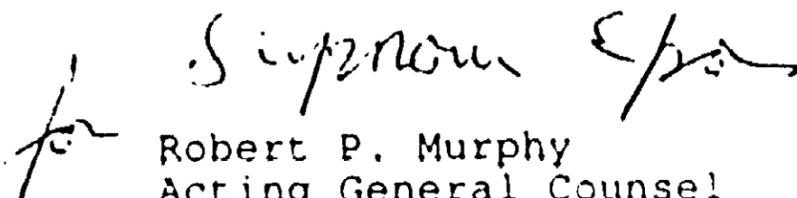
<sup>4</sup>Navy argues that Suid is not an interested party to raise this issue since his proposal was unacceptable and not in line for the award. We disagree. If Suid's protest were sustained on this issue, the Navy might be required to resolicit proposals since it is not established that any other proposal could be made acceptable through negotiations. In that event, Suid would have an opportunity to submit another proposal. Therefore, we are unable to conclude that Suid's direct economic interest would not be affected by resolution of this protest issue and find that  
(continued...)

As previously stated, it is not our function to independently evaluate proposals. Rather, we will examine a source selection record to determine whether the contracting agency's evaluation was reasonably based. Diversified Technical Consultants, Ltd., supra. We have done so here, and find no reason to question the Navy's rating of Godson's proposal.

We have reviewed Godson's proposal and note that Godson did submit a copy of a diploma showing she has a Ph.D. degree in History. For the evaluation categories of competence in the field and publication of scholarly works, Godson responded in her proposal by listing articles she had written on the history of women in the Navy, including the Navy Nurse Corps and WAVES, as well as on other subjects of a more general historical nature. Concerning her knowledge of Naval history, Godson listed various books and articles, such as Viking of Assault: Admiral John Lesslie Hall, Jr., and Amphibious Warfare and "Mississippi v. Shuri Castle".

Finally, with respect to the evaluation category of understanding and approach, Godson addressed this category by outlining the research that she planned to undertake for the manuscript, including a discussion of the various subjects that will be discussed. She also stated that she would place women's Naval history in the context of other events in American history, including the women's movement, as required by Section C.2 of the RFP. Based on the foregoing, we do not find that the Navy's rating of Godson's proposal was unreasonable.

The protest is denied.

  
Robert P. Murphy  
Acting General Counsel

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4 (...continued)

Suid is an interested party to question the acceptability of the awardee's proposal. 4 C.F.R. § 21.0(a).